

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Civil Minutes

Date: May 13, 2021

Judge: Hon. James Donato

Time: 23 Minutes

Case No. **3:21-md-02981-JD**

Case Name **In re Google Play Store Antitrust Litigation**

Attorney(s) for Plaintiff(s): Tim Cameron/Hae Sung Nam/Karma Giulianelli/
Melinda Coolidge/Alberto Rodriguez/Elizabeth C. Pritzker

Attorney(s) for Defendant(s): Ted Wojcik/Brian Rocca/Daniel Petrocelli

Deputy Clerk: Lisa R. Clark

Court Reporter: Debra Pas

PROCEEDINGS

Status conference -- Held (by remote access)

NOTES AND ORDERS

I. CASE SCHEDULE

The Court provides guidance for the revised, proposed scheduling order to be submitted by the parties by May 27, 2021.

The parties may agree to extend the class certification deadlines, keeping in mind that the Court intends to keep an April or May 2022 trial date. The Court strongly advises that discovery close before class certification and summary judgment proceedings. If the parties propose otherwise, they will need to explain why.

The parties should plan on a single *Daubert*/hot tub proceeding, which may run for more than one day, if need be. In addition to any other expert testimony the parties intend to present, the Court would like the experts to address the optimal method of determining market or monopoly power in this case.

The parties are advised that the class certification proceedings may not be used as a substitute for summary judgment proceedings.

The parties should begin to discuss the sequence in which the MDL member cases should be tried, and be prepared to discuss that with the Court at the next status conference.

II. PRIOR STIPULATED DISCOVERY ORDERS

At the parties' joint request, the Court adopts the Protective Order, ESI Order, and Discovery Coordination Order as governing the MDL. *See* MDL Dkt. No. 28 at 5; MDL Dkt. No. 34.

III. HEARING ON MOTION TO DISMISS AND NEXT STATUS CONFERENCE

The parties are directed to advise the Court by May 19, 2021, their proposed date in July for the hearing on defendants' motions to dismiss. MDL Dkt. No. 21. The Court cannot say at this time if the hearing will be in person or by remote access, but the Court will advise the parties well in advance of the hearing. The next status conference will be set on the same date and time as the motion to dismiss hearing.

IV. DISCOVERY DISPUTES

For the discovery dispute about the *Callsome* litigation documents, MDL Dkt. Nos. 27, 33, the Court grants plaintiffs' request for Google to produce the discovery materials from *Callsome Solutions, Inc. v. Google, Inc.*, Index No. 653286/2014 (N.Y. Sup.). Google may, at its option, produce the entirety of the discovery materials from that case, or produce a subset of those materials (including deposition transcripts) that are responsive to the parties' agreed-upon search terms.

Google and the Consumer Plaintiffs will continue to meet and confer for one week about Google's requests for documents from the Consumer Plaintiffs. Google may file a discovery dispute letter after May 20, 2021, if the Court's assistance is needed.

At the parties' request, the Court clarifies that Google was ordered to produce to plaintiffs all relevant documents which it previously produced to the House Judiciary Committee.